



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,348	03/01/2002	Richard T. Ruebusch	TEP0193-01	3071

832 7590 10/21/2003

BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

KENNY, STEPHEN

ART UNIT	PAPER NUMBER
----------	--------------

3726

DATE MAILED: 10/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,348

Applicant(s)

RUEBUSCH ET AL.

Examiner

Stephen J Kenny

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-15 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10-15, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konig (US Patent No 4991282).

Regarding claims 1-4, & 15, & 26 Konig discloses a method of manufacturing a implement comprising: selecting a desired module configuration and connecting a selected engine, transmission, and steering mechanism together to form a subassembly to provide a base or "front frame" (column 1, lines 14-19) of the implement; transporting the base to a second facility (column 2, lines 4-8); providing a working device at the second facility and connecting the working device to the base of the implement at the second facility (column 1, line 19 & column 5, lines 22-25 wherein body 25 can be considered a "working device"). In regards to claim 26, the second facility (location of body 25) is remote from the first facility (where the chassis & components are assembled) as implied by the moving of said chassis to the location of body 25.

Note although Konig does not explicitly disclose providing a plurality of types of engines, transmissions, & steering mechanisms, the examiner takes official notice that this is a practice well known and established in the manufacturing of implements & vehicles. For example, it is routine practice for automotive manufacturers to provide both a 4-cylinder as well

Art Unit: 3726

as a 6-cylinder engine for the same automobile model; likewise it is common to provide a standard as well as an automatic transmission for the same model. It is widely known that this practice enables automotive manufacturers to better meet an ever-changing consumer demand.

Regarding claims 10, & 21, Konig discloses providing wheels and attaching the wheels to the transmission at the first manufacturing facility (column 1, line 17).

Regarding claims 11, 13, 14, 22, 24, & 25, Konig discloses providing a drive linkage or "drive unit" and attaching the drive linkage to the base of the implement and selected parts at the first manufacturing facility (column 1, line 16); and providing a drive linkage with the work piece (column 4, lines 57-60); and connecting said drive linkage to the working device and the base implement (column 4, lines 33-60).

Regarding claims 12, & 23, the examiner takes official notice that it is common practice to manufacture vehicles and provide a form of packaging (often in marine cargo containers) and transporting the vehicle to a wholesaler, retailer, or customer. This is routine procedure for the manufacturers of foreign automobiles that are sold in the United States.

Allowable Subject Matter

Claims 5-9, 16-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3726

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

Applicant's arguments filed 7/28/03 have been fully considered but they are not persuasive.

Applicant has put forth the argument that the Konig reference does not disclose manufacturing an implement in which a working device is provided at a second facility and connected to the base of the implement at said second facility. The examiner directs the applicant's attention to column 5, lines 22-25 wherein Konig discloses that a "working device" (body 25) is provided at a second facility (this is implicit since the "base" or chassis & subassemblies is moved/transported, therefore there must be a second facility or assembly area), and the "working device" (25) is connected to the "base" at this location. Thus Konig does in fact disclose two separate facilities which are remote from each other.

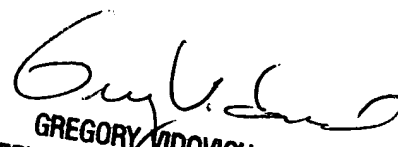
Art Unit: 3726

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J Kenny whose telephone number is 703-306-0359. The examiner can normally be reached on mon - fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

sk SK
10/18/03


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700